IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4489 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SAURASHTRA GROUP HOUSING SOC.

Versus

DEPUTY COLLECTOR (LAND REFORM)

Appearance:

MR SV PARMAR for Petitioner

Mr.Premal Joshi, A.G.P. for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 30/11/2000

ORAL JUDGEMENT

1. The main prayer of the petitioner in this petition is for quashing the orders contained in Annexures : G & I to the writ petition. The petition arose out of the orders passed by the Authorities under the Urban Land (Ceiling & Regulation) Act, 1976. This Act was repealed in the year 1999 and the State of Gujarat has adopted the Repeal Act with effect from 30th

March, 1999. Shri Premal Joshi, learned A.G.P. tenders attested zerox copyof instruction and the letter from the Competent Authority and states that in viw of this letter the State Government has not taken over possession of the excess land from the petitioner. In view of the statement made by Shri Joshi, learned A.G.P. and the letter of the Competent Authority, Section 4 of theRepeal Act is attracted which provides that all proceedings relating to any order made or purported to be made under the Principal Act pending immediately before commencement of this Act before any Court, Tribunal or Authority shall abate. The proviso to Section 4 further provides that this section shall not apply to the proceedings relating to Sections 11, 12, 13 and 14 of the Principal Act in so far as such proceedings are relatable to the land the possession of which has been taken over by the State Government or any competent person duly authorised by the State Government in this behalf or by the Competent Authority.

2. In view of the statement of Shri Joshi, learned A.G.P. that the possession of the excess land has not been taken over by the State Government this proviso will not apply. Consequently u/s.4 all proceedings and orders made under the Principal Act shall abate. As such there is no necessity to quash the impugned order inasmuch as the proceeding has abated and those orders will be deemed to have been abated. As such this petition is dismissed as having become infructuous with no order as to costs.

sd/-

Date : November 30, 2000 (D. C. Srivastava, J.)

sas